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Attorney for Defendant  
Joseph Ferrari

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	NO. CR. S.04-288 LKK
	)	
Plaintiff,	)	
	)	<b>STIPULATION AND ORDER TO</b>
v.	)	<b>CONTINUE EVIDENTIARY HEARING</b>
	)	
JOSEPH FERRARI,	)	DATE: October 26, 2005
	)	TIME: 9:30 a.m.
Defendant.	)	COURT: Hon. Lawrence K. Karlton
	)	
_____	)	

Joseph Ferrari, by and through his undersigned counsel, Shari Rusk and the United States of America, by and through Assistant United States Attorney Phil Ferrari, hereby agree and stipulate that the evidentiary hearing previously scheduled for October 26, 2005 be continued to December 6, 2005. This request is based on availability of witnesses, counsel's schedule and the understanding that this date is available with the Court.

Mr. Ferrari understands his Speedy Trial rights in this matter and agrees to waive time while his motions are pending. The government has no objection to this request. Therefore, it is respectfully requested that the hearing on October 26, 2005 be moved to December 6, 2005.

1 Mr. Ferrari asks that this Court find that counsel needs  
2 reasonable time to prepare for the hearing and that the time be  
3 excluded through the date of December 6, 2005 due to the pendency of  
4 motions pursuant to 18 U.S.C. §3161(h)(1)(F), (h)(8)(iv) and Local  
5 Code T4.

6  
7 Respectfully submitted,  
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11 Dated: October 25, 2005 /s/Shari Rusk  
12 Shari Rusk  
13 Attorney for Defendant  
Joseph S. Ferrari

14 Dated: October 25, 2005 /s/ Phil Ferrari  
15 Phil Ferrari  
16 Assistant United States Attorney

17  
18 **ORDER**

19  
20 IT IS SO ORDERED.

21  
22 Dated: October 25, 2005

23 /s/ Lawrence K. Karlton  
24 Hon. Lawrence K. Karlton  
25 United States District Court Judge  
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